

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

MARY CALLAGHAN, S.U.,

Plaintiff,

-against-

**CIGNA CORPORATION and CIGNA
HEALTHCARE OF NEW YORK, INC.**

Defendants.

-----X

**Civil Action No.
CV**

NOTICE OF REMOVAL

**TO THE HONORABLE JUDGES OF
THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Petitioner herein, CONNECTICUT GENERAL LIFE INSURANCE COMPANY, s/h/a CIGNA CORPORATION and CIGNA HEALTHCARE OF NEW YORK, INC. (hereinafter "CGLIC"), by its attorneys, RUSSO, KEANE & TONER, LLP, respectfully shows this Court the following:

1. Petitioner is the named defendant in the above-entitled action.
2. On or about June 15, 2005, the above-entitled action was allegedly commenced against Petitioner in the Supreme Court of the State of New York, County of New York, and is now pending therein.
3. Petitioner, CGLIC, has been served with a Summons and Complaint on June 29, 2005 through the Secretary of State.
4. No further proceedings have been had herein in the State of New York in and for the County of New York.
5. Plaintiff, MARY CALLAGHAN, S.U., according to the Complaint herein resides in Dutchess County.
6. Petitioner/Defendant, CGLIC, is a corporation organized and existing pursuant to the laws of the State of Connecticut and has its principal place of business at 900 Cottage Grove Road, Hartford, Connecticut 06152.

7. The above-entitled action is a civil action and seeks reimbursement for medical treatment rendered to Plaintiff under an employee benefit welfare plan administered by CGLIC.

8. This Court has original jurisdiction in the above-entitled action pursuant to the terms of the Employee Retirement Income Security Act of 1974, 29 U.S.C. Section 1001 et seq. [hereinafter ERISA]. Plaintiff's claims are completely barred, preempted and displaced by the exclusive remedies of ERISA pursuant to 29 U.S.C. Section 1144(a). This preemption is so complete that Plaintiff's claims are necessarily federal in character, thus raising a federal question for the purposes of federal court jurisdiction. (*See Metropolitan Life Insurance Co. v. Taylor*, 481 U.S. 58, 62-66 (1987). The above-entitled action is accordingly removable to federal court, invoking its federal question jurisdiction. 481 U.S. at 67.

9. Copies of the Summons and Complaint are annexed hereto as **Exhibit "A."**

10. This petition is filed with this Court within thirty (30) days after service upon Petitioner/Defendant of the Summons and Complaint in the above-entitled action.

11. This Petition is made and filed with this court after review of the materials transmitted and the Summons and Complaint pursuant to rule 11 of the Federal Rules of Civil Procedure.

W H E R E F O R E, Petitioner prays that the above-entitled action be removed from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

Dated: New York, New York
July 18, 2005

Respectfully submitted,

Jamie R. Morris (JM1949)
RUSSO, KEANE & TONER, LLP
Attorneys for Defendant
26 Broadway, 28th Floor
New York, New York 10004
(212) 482-0001
RKT File No. 820.193

TO: PETER B. ACKERMAN, ESQ.
Attorney for Plaintiff
202 Mamaroneck Avenue, Suite 500
White Plains, New York 10601
(914) 686 1200

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MARY CALLAGHAN, S.U.,

Plaintiff,

-against-

**CIGNA CORPORATION and CIGNA
HEALTHCARE OF NEW YORK, INC.**

Defendants.
-----X

State of New York, County of New York, ss:

Rose DeLuccio, being duly sworn, deposes and says:

That deponent is not a party of this action, is over 18 years of age and resides in the County of Richmond, State of New York.

That on the 25th day of July, 2005, deponent served the within **NOTICE OF REMOVAL and FEDERAL COVER SHEET** upon:

PETER B. ACKERMAN, ESQ.
202 Mamaroneck Avenue, Suite 500
White Plains, New York 10601

the address designated by said attorney(s) for that purpose, by depositing a true copy of same enclosed in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

Rose DeLuccio

Sworn to before me on
July 25, 2005

NOTARY PUBLIC